



MONTHLY HIGHLIGHTS

**NOAA
NATIONAL MARINE FISHERIES SERVICE
NORTHEAST REGION
HABITAT CONSERVATION DIVISION**

November -December 2004

GLOUCESTER, MA OFFICE, ONE BLACKBURN DRIVE, GLOUCESTER, MA 01930

FERC ISSUES DRAFT EA FOR PENOBSCOT RIVER HYDRO PROJECTS

As part of the Penobscot River Settlement Accord, PPL Maine and Bangor Pacific Hydro Assoc. have submitted a license amendment for Veazie, Milford, Stillwater, Medway, and West Enfield projects and a new license application for the Orono project. The license amendment applications seek to modify upstream and downstream fish passage requirements, add new turbines, modify stream flows, establish mitigation funds, and increase the headpond by one foot. A Draft Environmental Assessment (EA) was noticed by the FERC on November 3, 2004 with the comment period ending on November 30, 2004. The FERC concluded that the alterations would have no impact on aquatic resources. NOAA Fisheries provided comments on the Draft EA which identified and included changes to make the conclusions more precise. NOAA Fisheries will now engage in an essential fish habitat assessment consultation. Additionally, NOAA Fisheries also provided preliminary prescription modifications for Veazie, Milford, Medway, Stillwater, and West Enfield. The prescriptions were substantially similar to those provided by the U.S. Fish and Wildlife Service and will ultimately result in ecosystem improvements to the Penobscot river. In addition, NOAA Fisheries was clear to reserve our prescriptive authority under the Federal Power Act in accordance with our stewardship responsibilities. NOAA Fisheries also added prescriptive language to a monitoring process with criteria for determining safe, efficient, and effective passage. (Sean.mcdermott@noaa.gov, 978/ 281-9113)

MASSACHUSETTS PROGRAMMATIC GENERAL PERMIT REISSUANCE

The Habitat Conservation Division (HCD) has been working with the US Army Corps of Engineers (ACOE) and other federal and state agencies to revise the MA Programmatic General Permit (PGP), which expires in January 2005. The MA PGP allows specific minimal impact activities to occur within waters and wetlands of the United States, provided certain criteria are met. Among the activities that may be permitted under the PGP include minor dredge and fill activities, the installation of docks and piers, and the permitting of aquaculture facilities. HCD has provided recommendations to enhance the effectiveness of the PGP, and to provide for increased protection of certain fishery habitats. (Christopher.boelke@noaa.gov, 978/ 281-

9131)

SANCTUARY MANAGEMENT PLAN REVIEW UPDATE

The Stellwagen Bank National Marine Sanctuary Advisory Council (SAC) completed its deliberations of the recommendations of the Working Groups on November 5. Over the past several months, 10 Working Groups developed Action Plans to address issues in the Sanctuary including ecosystem alteration, marine mammal protection, interagency relations, water quality, maritime heritage, etc. Many of the resource management problems that occur in the Sanctuary touch on areas of focus for NMFS' fishery management, protected resources, and habitat protection programs and, therefore, we anticipate working closely with the Sanctuary program over the coming months as it moves forward. The Sanctuary program will develop a draft management plan and a Draft Environmental Impact Statement (DEIS) that will be available for public comment in the spring of 2005. (Kathi.Rodrigues@noaa.gov, 978/ 281-9324)

JAMES J. HOWARD MARINE SCIENCES LABORATORY, HIGHLANDS, NJ 07732

SEABOARD TOWERS RESORT COMMUNITY, ATLANTIC CITY

Habitat staff and other federal and state agencies met to discuss a proposal for a residential community (three towers on top of a three to four-story parking structure) integrated with commercial development, including a waterfront restaurant, shops, a 750-room hotel, promenade, and 300-slip marina located just inside the Absecon Inlet in Atlantic City, NJ. The 14.47 acre site lies within the zone which allows for the construction of a casino hotel and associated uses, as well as residential and recreational uses.

The site has been used over the last 50 years as a dredged disposal site and as a staging area for nearby construction projects. As a result of the proposed project, freshwater wetlands would be filled and shallow water habitat and coastal wetlands would be dredged. Impacts from the marina proposal include direct construction impacts due to dredging, and long term impacts on shellfish beds from the contamination caused by boat pollution. Breakwaters and wave fences would be required to protect the vessel mooring areas and fueling facilities. Because of the potential for substantive impacts, an Environmental Impact Statement (EIS) may be required for the complete project as a whole. The EIS would address issues such as habitat losses, traffic issues, and bird/tower interactions due to the site's location on the Atlantic bird migration flyway. (anita.riportella@noaa.gov, 732/ 872-3116)

SEDGE ISLAND, BOROUGH OF STONE HARBOR

Representatives from Stone Harbor Borough met with state and federal agencies to discuss a limited restoration of a former confined (dredged material) disposal facility (CDF) on Sedge Island in the Borough of Stone Harbor, Cape May County, NJ. The CDF, which has reached capacity, is no longer stable because the berm walls have been breached. The plan calls for the closure of the CDF, collapse of the berms, and then a stabilization of the area with diverse vegetation while removing the invasive phragmites that dominate the site. Efforts would be made to eradicate phragmites by hand-spraying with an approved herbicide and to then replant

the area with plants that would benefit wildlife and that would not grow tall. The residents of the Borough have expressed their desire to keep the island's height to a minimum to benefit the viewscape. In addition, a proposal was discussed to mine the sand from a CDF on island #103 in the Borough because it is reaching capacity. The project proposed would process the dredged material from the CDF at #103 on the island in order to separate the sand from the silt. The sand would then be sold. The Borough stated that moving the sand from the island by barge would not be economically feasible, and they have proposed that a causeway/road, either temporary or permanent, be constructed to move the sand by truck. The area supports shellfish and essential fish habitat which would be impacted by a road.

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NON-POLLUTING MATERIALS

Representatives from Wood Preservers, Inc. met with state and federal agencies to present product information on Strong-Seal fiberglass wrap of CCA treated wood for use as a structural material in marine applications. At least three layers of fiberglass are wrapped around the CCA treated wood with a minimum thickness of 30 mil (1 mil = 1/1000 inch). The results of a study by Dr. Kenneth M. Brooks were reviewed and indicate that the fiberglass wrapped CCA would not leach contaminants into the marine environment. The study was reviewed by NMFS and USFWS chemists and found to be sufficiently documented and well designed. Although the Strong-Seal fiberglass material has been used successfully in the marine environment as piping over a period of twenty years with no degradation, longevity after damage from marine operations, such as impacts from boats and having the fiberglass wrapped piles driven into the substrate, has not been documented. Upon NOAA Fisheries' request, the manufacturer has agreed to monitor a site at which the piles are used over a period of five years and provide a report to document the product's durability.

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ACOE ISSUES DEIS FOR PROPOSED FEDERAL NAVIGATION MODIFICATION

The New York District, Army Corps of Engineers (ACOE) has issued a draft design report and DEIS concerning potential modification of the Hudson River Federal Navigation Project at the Village of Athens, Greene County, New York. In particular, the proposed project would entail construction of a new spur channel in the west branch of the Hudson River between Athens and Middle Ground Flats, approximately 29 miles south of Albany, New York. At present, controlling depth in the western channel is -16 feet at Mean Low Water (MLW). According to the DEIS, the existing channel from the Hudson River Main Channel to the Athens waterfront has never been dredged. Under the proposal at hand, approximately 935,000 cubic yards of new work dredging would be conducted to create a new 6,000' x 300' channel and a 600' x 800' turning basin. The new channel spur and turning basin respectively would be dredged to -24 feet and -20 feet at MLW. A two-foot overdepth allowance also is proposed. This material subsequently would be placed at a suitable upland location. This project lies in the Vosburgh Swamp and Middle Ground Flats Significant Coastal Fish and Wildlife Habitat. The local

shallows are used extensively by American shad for spawning, and for spawning, nursery and feeding areas by striped bass, alewife, blueback herring, white perch, and resident fishes. In addition, the federally endangered shortnose sturgeon uses this river reach seasonally. Staff will coordinate with our sister state and federal resource agencies on issues of mutual concern.

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HUDSON RIVER NATIONAL HERITAGE RIVER CONFERENCE

The Hudson River National Heritage River Initiative held a conference focused on the needs of modest-sized boat clubs and marinas on November 8, 2004. Staff from the Milford Field Office participated on a panel discussion regarding the permitting requirements for dredging boat club basins and commercial marinas in the Hudson River between Troy and Manhattan. In particular, the operators of these facilities expressed their concerns about the costs of testing and finding affordable placement options. Agency representatives made a variety of recommendations, including that operators explore group dredging projects that would reduce mobilization and demobilization costs and other measures that could be used to conduct their projects as economically as possible without compromising ecological values and functions in the Hudson. The conference also provided HCD staff with an opportunity to introduce essential fish habitat (EFH) issues to engineering consultants and a spectrum of the recreational boating community that previously were not familiar with EFH. Diane.Rusanowsky@noaa.gov, 203/ 882-6504)

VILLAGE OF FREEPORT TO PROPOSE PUBLIC WATERFRONT FACILITIES

Milford Field Office staff received preliminary documents for a proposed waterfront project under consideration by the Village of Freeport, Nassau County, New York. The proposed action includes a variety of elements such as maintaining existing shoreline stabilization structures; restoring and enhancing an intertidal marsh; dredging in an existing marina basin and channel; creating a public promenade; and creating a 17-slip marina to accommodate transient vessels. Project coordination will commence in the coming weeks. Diane.Rusanowsky@noaa.gov, 203/ 882-6504)

OXFORD, MD OFFICE, 904 SOUTH MORRIS STREET, OXFORD, MD 21654

GLENVILLE RESTORATION

Glenville is a residential area in northern Delaware that has historically experienced local flooding. Following severe flood damage resulting from Hurricane Henri, the county and state developed a plan of strategic retreat purchasing 160 selected properties (approx. 40 acres) to be converted into nontidal wetlands for flood water storage, nutrient assimilation, and habitat. Approximately one million cubic yards of material needs to be removed to implement the project, some of which will be used for the proposed improvements to I-95.

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WEIDMAN FARM RESTORATION

The Weidman Farm, an 800-acre parcel of land, 260-acres of which are tidal wetlands, is located in Worcester County, MD adjacent to the Maryland Coastal Bays. The property owner has approached the Natural Resources Conservation Service, who, in cooperation with other federal

and state resource agencies, is developing a plan to restore the tidal marshes that have been degraded by decades of anthropogenic activities, particularly channelization. The restoration plan will include upland buffers and other elements to enhance local estuarine water quality, as well as restoration of the integrity of the marsh. (Tim.Goodger@noaa.gov, 410/ 226-5606)

PIKE PROPERTY RESTORATION

The Pike Property is a large tract of tidal freshwater marsh adjacent to the Mispillion River near Milford, DE, which, too, has been degraded by anthropogenic activities, particularly channelization of the river in 1938 by the ACOE to create a federal navigation channel.

Preliminary field investigations indicate that the site has solid potential for restoration, which, if implemented, would be included as part of the settlement for the DuPont Superfund site.

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